

**Massachusetts Water Resources Commission**  
**Interim Policy**  
**Guidelines for the Interpretation of 313 CMR 4.04(3) and 4.04(4)**  
**Request for Determination of Insignificance**

**As Applied to Transfers Primarily Derived From**  
**Lakes, Ponds, Reservoirs or Other Impoundments**  
**December 11, 2014**

In order to address transfers derived primarily from lakes, ponds, reservoirs or other impoundments under 313 CMR 4.04(3) and 4.04(4), the Interbasin Transfer Act regulations, the Commission adopts the following guidelines for the review and evaluation of these types of transfers. These proposed guidelines are tailored to transfers that are not primarily derived from streamflow, but they still require a proposed transfer to meet a rigorous review standard to demonstrate insignificance.

In addition to providing the information requested in 313 CMR 4.04(3):

- Transfers primarily derived from lakes, ponds, reservoirs or other impoundments either directly or through groundwater withdrawals, shall provide the delineated drainage area of the water body and its area in square miles.

In order to evaluate water supply transfers primarily derived from lakes, ponds, reservoirs or other impoundments either directly or through groundwater withdrawals, in addition to the criteria listed in 313 CMR 4.04(4) (a), (b), (e), and (f) the WRC shall use the following criteria:

- That the cumulative annual amount of the transfers including the proposed amount, in all cases, is less than one percent (1%) of the average annual precipitation on the drainage area of the water body, and five percent (5%) of the drought year inflow<sup>1</sup> to the water body.
- That consideration has been given to measures to protect instream flows, as described in 4.04(3) (i), and where appropriate, any such measures proposed as part of the application.

This policy will remain in effect until such time as revisions to the Interbasin Transfer Act regulations, 313 CMR 4.00, are approved and promulgated, at which time the revised regulations will govern all reviews for a determination of insignificance.

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<sup>1</sup> Drought year inflow is the drought basin yield: the annualized Q<sub>90</sub> streamflows in a water source based on averaging estimated near natural monthly Q<sub>90</sub> streamflows. It is an estimation of the water that would be available in an unimpacted river basin during the probable driest period that is likely to occur.